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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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	Application No.	Applicant(s)
Office Action Summary	10/037,382	CACI ET AL.
	Examiner	Art Unit	
	Michael J. Kyle	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 July 2005*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19 and 21-29* is/are pending in the application.
   4a) Of the above claim(s) *26,27 and 29* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-19,21-25 and 28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07/29/2005*.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 23 is objected to because it is unclear if the bar code is being claimed in

combination with method using the purchasing aid logistics appliance. As best understood, the

bar code note is not a feature an aspect of the present invention. Specifically, claim 23 recites

that the "master control code being read from the bar coded advertisement". From this, it

appears the master control code is an aspect of the bar code that is transferred to the appliance.

For the purpose of this Office Action, any prior art device that has a master control code, and is

capable of reading a bar code is considered to meet this limitation, as the source (i.e. the bar

code) of the data in the device does not appear to be an aspect of the present invention.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrovich

et al ("Petrovich", U.S. Patent No. 6,101,483). Petrovich discloses a method of using a portable

appliance (40) that includes downloaded product data from a bar coded advertisement (column 4,

lines 56-58), creating a shopping list from the product data (column 2, lines 18-34), transmitting

the shopping list to a merchant upon entry into a merchant facility (column 2, lines 18-34),

receiving updated product data from the merchant computer upon entry into the merchant facility

(column 10, lines 25-29, user receives the location of products on the list), scanning a product

bar code when a product is removed from the shelf and placed in a shopping cart (column 10,

lines 9-12), creating a shopping cart file when the product is scanned (column 12, lines 36-39,

examiner considers the checked off items to constitute a file) and transmitting the shopping cart

file to the merchant computer in order to checkout (column 12, lines 55-56).

4.   With respect to claim 23, Petrovich discloses identifying product data with a master

control code, where the master control code associates a merchant with the product data (column

11, lines 33-40). Examiner notes that different products are associated with different merchants.

This is done by the appliance. Examiner considers the code responsible for this function to be

the master control code.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-5, 8, 9, 11, 13, 15, 16, 18, 24, and 25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Petrovich in view of Treyz et al ("Treyz", U.S. Patent No. 6,587,835).

7.   Petrovich discloses a portable 2-way secure purchasing aid logistics appliance (40),

comprising means for inputting information (column 4, lines 55-61), and a central processor

coupled to said means for inputting information to generate a shopping list (column 5, line 37).

Petrovich also discloses a secure memory coupled to said central processor to safeguard personal

and financial information (column 5, lines 19-22 and 55-61), means for outputting said shopping

list (column 12, lines 49-57), and said personal and said financial information, and a display (72)

to view said shopping list. Petrovich fails to disclose the central processor to include application

software to maintain a budget, to perform finance computations, and to track financial accounts.

8.   Treyz teaches a handheld computing device to provide shopping assistance, where the

device includes software to maintain a budget ("limit", column 46, lines 42-61, figure 75) and

performs finance computations. Finance calculations include keeping a total of objects to

purchase, or that have been purchased. Treyz also teaches the device to track financial accounts,

when a user uses the device to pay for a purchase (column 17, lines 60-65). These features aid

shoppers in keeping track of their expenditures and to restrict spending. Additionally, the

financial transaction mechanism of Treyz allows for a user to make quicker payments without

carrying any additional payment devices. It would have been obvious to one having ordinary

skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that

Petrovich implements software to maintain a budget, perform finance computations, and track

financial accounts, so that a user can monitor and restrict spending, and make payments without

any additional payment devices.

9.   With respect to claim 2, Petrovich discloses a plurality of antennas (52, 54) that enable

non-interfering and secure communications between the appliance (40) and the merchant's

computer. Petrovich's appliance (40) can receive signals based on the location of the appliance

with respect to the antennas (column 6, line 54, to column 7, line 7). The merchant computer

transmits product information to the appliance (40, column 6, lines 63-65). Petrovich does not

explicitly disclose these means for inputting information to be accomplished with a radio

receiver.

10.   Treyz teaches a handheld shopping appliance (12) that includes a plurality of antennas

(column 15, lines 25-35) capable of enabling non-interfering and secure communications

between the appliance and a merchant computer for a plurality of simultaneous signals. Treyz

discusses communications by wireless radio frequency (RF) in column 13, line 16-21, and also

refers to RF communications in column15, lines 33-35. The means for inputting information is a

radio receiver (inherent in radio communications) that is capable of receiving signals based on

the location of the radio receiver with respect to the plurality of antennas (column 3, lines 31-36),

from radio transmitter coupled to the merchant computer, through the plurality of antennas. Ther

merchant computer transmits product information in response to a signal by the appliance for

product information (column 28, lines 18-29). Treyz uses this arrangement as a convenience to

the user the appliance to quickly provide product information and special offers and products,

depending on the user's location. It would have been obvious to one having ordinary skill in the

art at the time of the invention to modify Petrovich as taught by Treyz in order to provide

product information at the user's request, and inform the user of special offers, depending on

their location.

11.   With respect to claim 3, Petrovich fails to disclose the means for inputting to be an

internet port. Treyz teaches a handheld computing device to assist shoppers, with a means for

inputting information, where the means include an internet port that connects to a personal

computer (28) linked to a web site (column 28, lines 57-59), where the product information is

downloaded from the web site in response to a signal from the personal computer. The computer

(28) can communicate with the handheld device (12, column lines 30-32). An internet port is inherent in this arrangement since there is a communication over the internet. Inputting information via an internet port allows the user to input information into the portable device while at home, and does not require the user to have any extra bar codes or codes present in order to enter an item to a list. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that means for inputting information includes an internet port, so the user may add items to a list while at home, without having any other product information available, such as a bar code.

12.   With respect to claim 4, Petrovich discloses the means for inputting information is a bar code scanner, whereby said bar code scanner (column 4, line 57) scans print media bar codes having product information and generates bar code signals to said central processor for further processing.

13.   With respect to claim 8, Petrovich discloses inputting information with a keyboard (column 7, lines 25-27). While the examiner asserts that a keyboard qualifies as a keypad, Treyz is relied upon to further show the equivalence of keyboards and keypads within the art. In column 15, approx. line 18, Treyz discloses that either a keyboard or keypad may be used as an I/O device, thereby establishing these two I/O devices as being equivalent within the art. It would have been obvious to one having ordinary skill in the art to use either keyboard or keypad to enter product, personal, and financial information into a portable appliance.

14.   With respect to claim 9, Petrovich et al discloses inputting credit or debit card information with a magnetic strip reader (column 5, line 61).

15.   With respect to claim 11, Petrovich discloses the central processor transmits a first signal

to said means for outputting, whereby said means for outputting transmits said first signal to a

merchant computer (56 linked to 16).

16.   With respect to claim 13, Petrovich discloses a shopping list being output to a merchant

computer first (column 12, lines 53-56). Because the shopping list is the only item transmitted to

the merchant computer, it is the first.

17.   With respect to claim 15, Petrovich et al discloses the means for outputting includes a

radio transmitter (radiophone).

18.   With respect to claim 16, Petrovich fails to disclose the means for outputting to control

signal strength to minimize the possibility of transmission interception. However, Treyz teaches

a handheld shopping device that communicates with an external information source terminal by

wireless radio frequency communications. The radio frequency is controlled from about 900

MHz to 2.4GHz, or other ultra high frequencies (column 13, lines 16-21). Examiner notes that

Treyz discloses the claimed structure, and for this reason is capable of performing the claimed

function. Specifically, Treyz discloses purchase transaction may be done by a wireless

transactions (column 1, line 61), and continues to describe that radio frequency communication

as one type of wireless communication, therefore, this type of communication is considered

suitable for a wireless transaction. Because Treyz's signal strength is controlled, it is capable of

minimizing the possibility of transmission interception. It would have been obvious to one

having ordinary skill in the art at the time of the invention to modify Petrovich as taught by

Treyz in order to minimize the possibility of transmission interception.

19.   With respect to claim 18, Petrovich discloses a method for using a purchasing aid

logistics appliance (40) comprising downloading product data a bar coded advertisement,

creating a shopping list from said product data, transmitting said shopping list to a merchant

computer upon entry into a merchant facility (24 linked to 16), receiving product data from said

merchant computer upon entry into said merchant facility (column 7, lines 18-27), scanning a

product bar code when a product is removed from the shelf and placed in a shopping cart for

purchase (column 12, lines 35-36), creating a shopping cart file when said product is scanned

(column 12, lines 36-40), and transmitting said shopping cart file to said merchant computer to

checkout (column 12, lines 49-57). The hard copy of the shopping list described in column 7,

lines 18-27, inherently includes product data, as a way to identify the product. Petrovich fails to

show the product data to be downloaded from a web site.

20.   Treyz teaches a handheld computing device to assist shoppers, with a means for inputting

information, where the information is input by downloading data from a web site (column 28,

lines 57-59). The computer (28) can communicate with the handheld device (12, column lines

30-32). Inputting information via an internet port allows the user to input information into the

portable device while at home, and does not require the user to have any extra bar codes or codes

present in order to enter an item to a list. It would have been obvious to one having ordinary

skill in the art at the time of the invention to modify Petrovich as taught by Treyz, such that

means for inputting information includes an internet port, so the user may add items to a list

while at home, without having any other product information available, such as a bar code.

21.   With respect to claim 24, Petrovich discloses downloading at least one price associated

with the product data and verifying the validity of the prices (column 11, lines 5-9, and lines 19-

21). The "updating" described by Petrovich requires downloading. Petrovich fails to disclose synchronizing appliance financial transaction logs with financial institution transaction logs.

22.   Treyz teaches a handheld shopping assistance device, where a user may select items for purchase, and perform the purchase by a wireless financial transaction (Abstract). When a product is purchased, the financial information relating to products being purchased is synchronized with a financial institution log, so that the correct amount is charged to financial account. Examiner considers the running total of products purchased, when a user is at check out of a store, to be the appliance financial transaction log. This step is essentially inherent in any wireless transaction that charges a user's financial account. It would have been obvious to one having ordinary skill in art at the time of the invention to modify Petrovich as taught by Treyz, so that Petrovich synchronizes appliance transaction logs with financial institution transaction logs, so that a user's financial account is charged the correct amount.

23.   With respect to claim 25, Petrovich discloses a secure trusted monitor program capable of managing the execution of software in the appliance, and a secure boot program capable of booting the appliance and initiating the secure trusted monitor program. Examiner asserts these features are inherent in Petrovich. Petrovich discloses an appliance that performs functions. Software is necessary to perform the functions desribed by Petrovich. This software must be executed for the appliance to function. Examiner asserts the element responsible for executing the software is the secure trusted monitor program. Additionally, the appliance can be turned on off. When it is turned on, it boots up. The software is then executed. Examiner asserts that a secure boot program must be present for the appliance to boot up, and for the secure trusted monitor program to be initiated.

24.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view

of Treyz as applied to claim 4 above, and further in view of Ruppert et al ("Ruppert", U.S. Patent

No. 5,424,524). While Treyz discloses the central processor to track the available funds

remaining in the budget (to maintain the "limit" designated by the user) and the total cost of

products scanned (necessary to maintain "limit"), the combination of Petrovich and Treyz fails to

disclose the central processor to compare the shopping list to bar code signals as claimed.

25.   Ruppert teaches a personal scanner for displaying shopping lists and aiding shoppers

comprising an appliance with a the central processor, where the central processor compares a

shopping list to said bar code signals to determine whether product is a new product to add to

said shopping list or an existing product (column 10, lines 1-18), whereby said central processor

tracks the total cost of products scanned and the remaining products to be scanned. It would

have been obvious to include this feature in the combination of Petrovich and Treyz so that the

user closely follows their shopping list, and prevents the unintentional additions of items to the

list or shopping cart.

26.   Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Petrovich in view of Treyz as applied to claim 1 above, and further in view of WO 01/20526

(WO '526). Neither Petravich nor Treyz discloses the first signal to comprise a credit or debit

card number and personal identification number.

27.   WO '526 teaches a method of electronic payment where either credit card or debit card

numbers (page 16, lines 19-20) and a PIN number ("customer identification number") are

transmitted to a merchant computer. Examiner considers this to be the first signal transmitted, as

WO '526 does not discuss any other signal being transmitted to the merchant computer.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the

invention to modify the combination of Petrovich and Treyz as taught by WO '526, such that

either a credit card number or debit card number, along with a PIN number is the first signal

transmitted to a merchant computer, as a means of tendering payment. Transmitting the credit

card or debit card information would also guarantee payment for the items on the shopping list,

before the shopping list is sent to the merchant computer.

28.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich

in view of Treyz as applied to claim 4 above, and further in view of Shaw (U.S. Patent No.

6,568,596). Neither Petravich nor Treyz disclose the central processor to include software that

converts the bar code signals into a web page to be displayed on the display

29.   Shaw teaches a method where a bar code is converted into a web page (column 3, line 51

to column 4, line 6) and displayed. This method allows information to be published in near real

time, as the scanned information is already in a markup language. This also eliminates discrete

stages of data collection and data manipulation before publication (column 1, lines 9-13). It

would have been obvious to one having ordinary skill in the art at the time of the invention to

modify Petravich and Treyz as taught by Shaw such that central processor includes software to

convert bar codes into a web page. This allows for quicker publication of a scanned item.

30.   Shaw further discloses a bar code capable of representing a display in one of a plurality

of computer languages. Examiner notes that the newly added limitation of "a bar code" to this

claim is not an aspect of the purchasing aid logistics appliance to which the claim is directed. As

such, examiner considers any bar code to be capable of representing a display as claimed. Shaw

further discloses a decoder having at least one decode table, the decoder capable of interpreting

the one of a plurality of computer languages according to the at least one decode table to provide

parsing information. Shaw further discloses a parser capable of creating display executable code

to build the display from the parsing information, and a display browser, capable of creating a

web page from the display executable code. It is noted that Shaw discloses the use of XML, but

further states that, "any other suitable markup language may also be used" (column 2, line 14).

Examiner considers this to disclose a plurality of computer languages. A decoder, and a parser

having a modifying table are inherent in Shaw's invention, as they must be present to decode the

markup language and construct frame software. A display browser is also inherent in Shaw. The

bar code containing the computer languages can be converted into a web page.

31.   Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Petrovich in view of Treyz as applied to claim 1 above, and further in view of Kawan (U.S.

Patent No. 6,012,049). With respect to claims 10 and 17, Petrovich discloses a smart card reader

(column 7, line 26), but neither Petrovich nor Treyz disclose encryption circuitry, and a smart

card storing a user personal identification number.

32.   Kawan teaches a system that interfaces with a smart card (abstract, column 5, lines 43-

55) with a smart card reader. The smart card provides secures account information of a user, and

includes encryption circuitry (column 5, lines 44-45). By using a smart card, the user data is

secured access to personal information is limited. A central processor further includes

executable software to compare smart card information and personal identifcation number to data

stored data (column 5, lines 48-56). This system prevent unauthorized use of the smart card and

unauthorized access to a financial account, by preventing a financial transaction from occurring

if the smart card data is not validated (column 5, lines 53-56). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to modify

Petrovich and Treyz as taught by Kawan in order to prevent unauthorized access to personal

information and account information.

33.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view

of WO '526 and Ruppert. Petrovich discloses a purchasing aid logistics appliance (40), with a

secure memory (column 5, lines 55-61), means for creating a shopping list outside a merchant

facility (32, 16), means for storing said shopping list and user personal information (16, 40),

means for automatically uploading said shopping list to a merchant computer upon entry into

said merchant facility (24) and means for two-way data and voice communication (column 12,

lines 9-27) with said merchant computer. Petrovich also discloses means for displaying said

shopping list (72), and means for optically inputting product information data (bar code reader).

The means for storing is secure. Petrovich does not disclose means for electronic payment or

means for calculating the total price of the items, as claimed.

34.   WO '526 teaches a shopping list organizer comprising a portable device (112). The

portable device includes means for making an electronic payment (page 16, lines 8-31).

Electronic payments allow for payments to be made more quickly, and do not require the user to

carry any additional method of payment. It would have been obvious to one having ordinary

skill in the art at the time of the invention to modify Petrovich as taught by WO '526, in order to

make quicker payments, and allow the user to make payments without carrying any additional

payment devices.

35.   Ruppert teaches a personal scanner device to aid shoppers, where the scanner device

includes means for calculating the total price of the items (Abstract). These functions are

presented in the abstract of Ruppert. These features aid shoppers in keeping track of their

expenditures (Abstract). Therefore, it would have been obvious to one having ordinary skill in

the art at the time of the invention to modify Petrovich as taught by Ruppert, such that the central

processor of Petrovich's appliance maintains a budget and performs finance computations, in

order to aid shopper in keeping track of their expenditures.

36.   Claims 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz

in view of Kawan. Treyz discloses a purchasing aid logistic appliance comprising means for

inputting information and a central processor coupled to the means for inputting information to

generate a shopping list (column 25, lines 23-36). Treyz also discloses the processor to include

application software to maintain a budget ("limit", column 46, lines 42-61, figure 75) and

perform finance computations. Finance calculations include keeping a total of objects to

purchase, or that have been purchased. Treyz further discloses means for outputting the

shopping list and personal and financial information. Examiner asserts that for Treyz to perform

a wireless transaction, the shopping list must be output to a merchant register or computer so the

user may check out, and be charged by the merchant. Personal and financial information is also

output (column 17, line 60, to column 18, line 58). Treyz also discloses a display to view the

shopping list. Treyz discusses using a smart card to authorize a purchase, but does not explicitly

disclose a encrypting memory coupled to the processor, to safeguard personal and financial

information.

37.   Kawan teaches a system that interfaces with a smart card (abstract, column 5, lines 43-

55) with a smart card reader. The smart card provides secures account information of a user, and

includes encryption circuitry (column 5, lines 44-45). By using a smart card and encryption

circuitry the user's personal and financial information is safeguarded. It would have been

obvious to one having ordinary skill in the art at the time of the invention to modify Treyz as

taught by Kawan, such that memory of Treyz is encrypted, thereby safeguarding the user's

personal and financial information.

38.   With respect to claim 28, examiner notes that the encryption of Kawan meets the

limitation of "modifying memory coupled to said processor". All other limitations are met by

Treyz, as discussed in the rejection of claim 21.

Response to Arguments

39.   Applicant's arguments filed March 30, 2005, and entered with the Request for Continued

Examination on July 29, 2005, have been fully considered but they are not persuasive.

40   With respect to claim 22, applicant argues Petrovich does not disclose the step of

downloading product data from a bar code. Examiner respectfully disagrees. Petrovich

discusses the device being configured to "read barcodes" and "storing data associated with the

bar codes" in a memory of the portable terminal (column 3, lines 1-5). Because data is read, and

stored, from the bar codes, in the portable terminal, examiner considers this to meet the

limitation of downloading product data. The stored information is product data. It is received from the bar code.

41.   Applicant argues Petrovich does not disclose the step of creating a shopping list from product data. Examiner respectfully disagrees. Column 2, lines 53-59 in Petrovich recite that the memory of the portable terminal "can be configured to store multiple lists of data associated with the bar codes, as multiple shopping lists".

42.   Applicant argues that Petrovich does not disclose the step of receiving updated product data upon entry into the merchant facility. Examiner respectfully disagrees. Examiner relies on the passage in column 10, lines 25-29 of Petrovich, where the user receives the location of the products on the list. This is information on the products that the user previously did not have, but now has. Therefore, this information is updated.

43.   With respect to claim 23, examiner notes the claim is drawn to a method of using the appliance. The limitation "the master control code being read from the bar coded advertisement" appears to be referring to specific data stored in a barcode. As best understood, a bar code is not an aspect of the present invention, and is not claimed in combination with the appliance. As discussed above, any prior art that is capable of reading a bar code is considered to read on this limitation.

44.   With respect to claim 1, applicant argues that Petrovich does not disclose a central processor. Examine respectfully disagrees. Column 2, lines 55-58 of Petrovich provide that multiple lists of data associated with the bar codes can be stored as shopping lists. To do this, a processor must be present. Thus, the claimed central processor is disclosed by Petrovich.

45.   Applicant argues that Petrovich discloses access controlled memory, not "secure

memory" as claimed. Examiner also notes the receipt of the declaration filed by applicant.

However, examiner respectfully disagrees for the reasons presented in the previous Office

Action. Applicant' "secure memory" appears to be referring to encryption. However,

encryption is not claimed in this independent claim. Therefore, Petrovich access control meets

the limitation of applicant secure memory.

46.   Applicant argues that Treyz does not track financial accounts. Examiner respectfully

disagrees. The claim requires only that financial accounts are tracked. Examiner considers the

ability to access and manipulate a financial account, as in Treyz, meets the limitation of

"tracking" a financial account.

47.   Applicant argues thee is no motivation for combining Petrovich and Treyz. Examiner

respectfully disagrees. As stated in the previous Office Actio, the combination would allow for a

user to pay without any additional payment devices. Treyz discusses the security used for such

payments in column 18, lines 41-58.

48.   With respect to applicant's arguments regarding claim 2, examiner respectfully disagrees.

The will inherently be at least some degree of non-interference and security with Petrovich's.

The fact that at least some degree of innovation, or equipment would be required to access the

information, displays a minimal layer of security. Also, in Treyz the user scanning or using

RFID is a signal. The user then receives product information on the appliance, as required by the

claim.

49.   Applicant's argument on page 24 of the response, requests a full citation for a computer

communicating with a handheld device in Treyz. Examiner refers to column 11, line 12 to

column 12, line 55. Here, numerous embodiments of communications between several devices

of networks are discussed.

50.   With respect to applicant's arguments regarding claim 8, examiner respectfully disagrees.

A PIN number is considered personal information, thereby meeting the limitation in claim.

51.   With respect to claim 18, examiner notes the reference to the bar coded advertisement in

the rejection, is only to show one specific means of inputting information in Petrovich.

Examiner acknowledges this feature is not claimed. Applicant argues that Petrovich does not

disclose the step of transmitting a shopping list to a merchant computer upon entry into a

merchant facility. Examiner respectfully disagrees. Examiner refers to column 5, lines 23-37 in

Petrovich, where data is transmitted from the portable device to a kiosk, then to a host computer

and stored as shopping list. Applicant argues the Petrovich fails to disclose the step of receiving

product data upon entry into a merchant facility. Examiner respectfully disagrees. The visual

data or printout is considered to meet this limitation. The claim does require this data be

transferred to the portable logistics appliance. Applicant argues that Petrovich does not disclose

transmitting a shopping cart file to the merchant computer, applicant notes is equivalent to

Petrovich's host 16, to checkout. Examiner respectfully disagrees, and refers to figure 4 where

the terminals 56 appear to branches of the host computer 16. Applicant argues there is not

motivation to combine Petrovich and Treyz. Examiner respectfully disagrees. The combination

allows a user to input information without bar codes. Therefore, a user may still add items to the

list even if they are not in possession of the required bar code.

52.   Applicant's argument regarding claim 12 relies a narrower definition of "secure memory" than has been applied in this Office Action. As used in this Office Action, the pin number unlocks the secure memory. Encryption, the basis of applicant's argument, is not in this claim.

53.   Regarding claims 6 and 7, examiner refers to the response in the previous Office Action regarding these claims. It is also noted that because Shaw discloses the use of XML, or any other suitable markup language, then it is inherent that the decoder can determine a selected language from this plurality of languages. Applicant requests a citation in Shaw to show a bar code can be converted into a web page. Examiner refers to the flow chart in figure 1 bar code scanner is used to scan bar codes (at 10), and is converted into a published web page (at 70).

54.   With respect to claim 17, examiner notes that because the smart card reader in Petrovich functions with Petrovich it is considered to be integrated with Petrovich.

55.   With respect to claim 19, examiner refers the response in the previous Office Action regarding the interpretation of "secure memory". The shopping list and personal information are stored on the portable device, in its memory. The device requires a PIN number to access the information in the memory. Therefore, there is a layer of security provided, which qualifies it as "secure memory". Applicant argues that while WO '526 discloses electronic payment, it does not discuss how PDA information could be verified by the merchant's employee. Examiner maintains that there is no step of verification in applicant's claim 19. The claim requires only "means for electronic payment", which is explicitly disclosed by WO '526.

56.   With respect to claims 21 and 28, applicant argues that Kawan does not have means for modifying or encrypting memory to safeguard personal and financial information. Examiner respectfully disagrees. Kawan discusses the use of encryption in a financial information and

transaction system. The central processor is at the host computer. The host computer has an

encrypted memory to safeguard personal information. One having ordinary skill in the art would

recognize the advantages of Kawan's encryption and apply it in other situations where there is a

desire to safeguard information.

Conclusion

57.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The

examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

58.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

59.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT J. SANDY
PRIMARY EXAMINER